

IFW



PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on

  
Jane A. Walker      September 16, 2004  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rothenberg et al.  
Application No.: 10/752,659  
Filed: January 7, 2004  
Title: **CYTOKINE INHIBITION OF EOSINOPHILS**  
Art Unit: 1614  
Examiner: Unknown  
Conf. No.: 4105  
Atty. Docket No.: CMC-161

Cincinnati, Ohio

September 16, 2004

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56, and the means of complying with that duty according to 37 C.F.R. §§1.97 and 1.98, Applicants call the references listed on the attached PTO-1449 form to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application. Applicants have enclosed a copy of the cited references.

**Certification Under 37 C.F.R. § 1.704(d)**

Each item contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and was not received by any person designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

These references were cited in an International Search Report dated August 10, 2004 and received on August 16, 2004 for a related foreign application.

No representation is made that the cited art is the only art or that the cited art represents the best art.

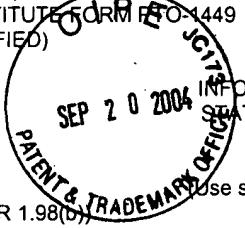
The Examiner is urged to consider the cited references and make an independent evaluation of their materiality.

A first Office Action has not yet been issued. Therefore, Applicants do not believe that any fees are due in connection with this submission. However, if such fees are necessary, the Commissioner is authorized to charge any necessary fees to Deposit Account 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: Beverly A. Lyman  
Beverly A. Lyman, Ph.D.  
Reg. No. 41,961

Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
Cincinnati, OH 45202  
513 241-2324  
513 421-7269 facsimile

 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (37 CFR 1.98(d))	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE							ATTY. DOCKET NO. CMC/161	SERIAL NO. 10/752,659	
								APPLICANT Mark Elliot Rothenberg et al.		
								FILING DATE January 7, 2004	GROUP Unknown	

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER						ISSUE DATE	PATENTEE		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	5	8	7	1	7	2	3	02/16/99	Strieter et al.	424	85.1	06/06/1995
	A.B												
	A.C												
	A.D												
	A.E												
	A.F												
	A.G												
	A.H												
	A.I												
	A.J												
	A.K												

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

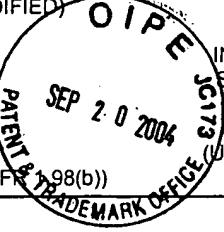
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	A.L	WO0162274	08/03/2001	PCT - Spain	A61K	38/19	Abstract only
	A.M	WO9421277	09/29/2004	PCT - US	A61K	37/02	N/A
	A.N	WO9404670	03/03/1994	PCT - US	C12N	15/00	N/A
	A.O						
	A.P						
	A.Q						

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	A.R	PCT, International Search Report, PCT/US2004/O00199, dated August 10, 2004, 6 pages
	A.S	Kaplan AP, Chemokines, Chemokine Receptors and Allergy, International Archives of Allergy and Immunology 124(4):423-431 (2001), XP009034299
	A.T	Medoff B et al., IFN- $\gamma$ -Inducible Protein 10 (CXCL10) Contributes to Airway Hyperreactivity and Airway Inflammation in a Mouse Model of Asthma, The Journal of Immunology 168(10):5278-5287 (2002), XP002289900

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. CMC/161	SERIAL NO. 10/752,659
 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (37 CFR 1.98(b))		Use several sheets if necessary		APPLICANT Mark Elliot Rothenberg et al.	
				FILING DATE January 7, 2004	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER			ISSUE DATE	PATENTEE		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	B.A									
	B.B									
	B.C									
	B.D									
	B.E									
	B.F									
	B.G									
	B.H									
	B.I									
	B.J									
	B.K									

## FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	B.L						
	B.M						
	B.N						
	B.O						
	B.P						
	B.Q						

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	B.R	Sgadari C et al., <u>Mig, the Monokine Induced by Interferon-<math>\gamma</math>, Promotes Tumor Necrosis in Vivo</u> , Blood 89 (8):2635-2643 (1997)
	B.S	Thomas MS et al., <u>Role of IP-10 in a Cockroach Antigen Induced Muring Model of Airway Hyperreactivity</u> , FASEB Journal 16(4):A331 (2002) XP009034300, Abstract 245.3
	B.T	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.